



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/622,006
Applicants : Prem Vakharia et al.
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Title : HEAD COVER FOR A GOLF CLUB

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Docket No. : 0EKM-104935
Customer No. : 30764

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Steven C. Crocker, of Oceanside CA, declare that:

1. I am a registered patent attorney employed by the assignee of the above-identified application, Taylor Made Golf Company, Inc., a Delaware corporation, having a place of business at 5545 Fermi Court, Carlsbad, California, 92008.

2. Under the United States Golf Association (www.usga.org) Rule 4(b)(i), a wood type club head cannot exceed a volume of 460 cubic-centimeters. A copy of Rule 4 is attached as Exhibit B. Until recently, most drivers were under the USGA 460 cubic-centimeter club head volume limitation. In other words, most older model drivers had smaller club heads than most current driver models. Nowadays, most drivers are at or very close to the USGA 460 cubic-centimeter club head volume limitation.

3. There are two general categories of head covers for golf club drivers. In the first category of driver head covers, the head cover looks like a sock, and is installed by pulling the head cover over the club head. Placing the head cover on the club head generally

requires two hands. It can be difficult to install a sock-type head covers on a late model driver with a large volume club head. Consequently, many golfers who use high volume club heads do not install their sock-type head covers onto their drivers after teeing off, and the driver club head and shaft can be damaged in the golf bag due to contact with other clubs in the bag as a golfer transports his clubs around a golf course. The driver is generally the most expensive club in a set of clubs, so repairing or replacing a damaged driver is generally costly.

4. In the second category of driver head covers, the head cover has a slit up the side with a traditional mechanical zipper. The head cover is installed by opening the zipper, pulling the head cover over the club head, and then closing the zipper. This is multi-step process that generally requires two hands.


5. A driver head cover with a magnetic closure can generally be more easily installed in less time than a head cover with a mechanical zipper. This is especially true for older or physically handicapped golfers who suffer from arthritis or other debilitating medical problems that limit finger dexterity and coordination. Consequently, a driver headcover with a magnetic closure will be used more often than other traditional types of headcovers, and a golfer is less likely to damage an expensive driver while transporting his clubs around a golf course.

6. Tartan Sports currently sells a driver head cover—the Magcover (Model. No. TS-291)—that features a magnetic fastener/ closure. Tartan Sports began selling this head cover after Taylor Made starting selling its “Tour Preferred” driver head cover. The Magcover head cover embodies the invention(s) recited in claims 1, 3-7, 10, 12, and 13. Enclosed as Exhibit A is a sample of the Magcover driver head cover.

7. Tartan Sport’s Magcover is very similar to Taylor Made’s “Tour Preferred” driver head cover. Taylor Made’s “Tour Preferred” head cover embodies the invention recited in claims 1, 3-7, 10, 12, and/or 13 of the above-identified patent application.

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true, and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 26, 2006

By: 

Steven C. Crocker

EXHIBIT "B"

4. Clubhead

a. Plain in Shape

The clubhead must be generally plain in shape. All parts must be rigid, structural in nature and functional. It is not practicable to define plain in shape precisely and comprehensively but features which are deemed to be in breach of this requirement and are therefore not permitted include:

- i. holes through the head,
- ii. transparent material added for other than decorative or structural purposes,
- iii. appendages to the main body of the head such as knobs, plates, rods or fins,

for the purposes of meeting dimensional specifications, for aiming or for any other purpose. Exceptions may be made for putters.

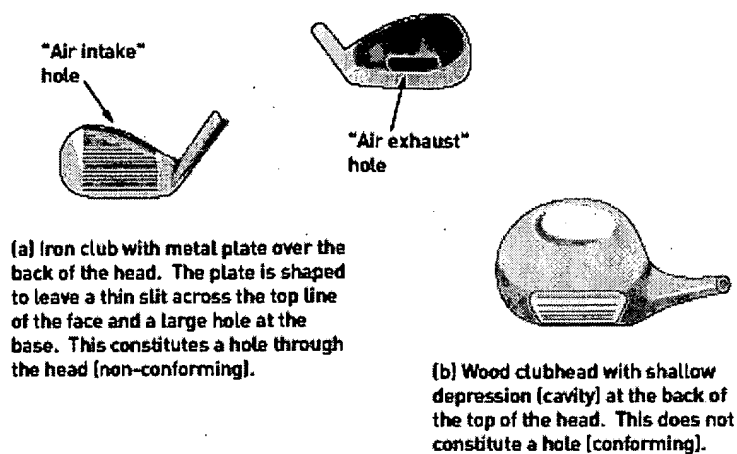
The 'plain in shape' requirement in Appendix II, 4a originates from the 'traditional and customary' requirement in Appendix II, 1a. It is generally a descriptive rule, although in reality, it is very difficult to define exactly what a golf club can or should look like. The following section assists in explaining what is and what is not permitted, but it should be noted that this is not an exhaustive or all inclusive list. Even if a clubhead satisfies all of the points outlined below, there may still be circumstances which render it not plain in shape. An overall assessment of the appearance of the head should always be made.

(i) Woods and Irons

Holes through the Head

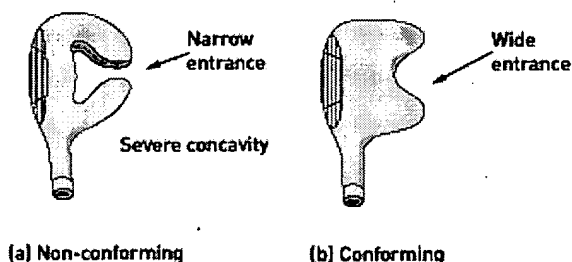
- Holes through the head are not permitted. However, holes which do not go through the head entirely (cavities) are permitted so long as they are not primarily designed as an aid for sighting, aiming, aligning the swing plane or the head position, or to accommodate any such aids.

Fig. 16



- Severe concavities (as viewed at address), which go all the way through the head, are not permitted. A "severe" concavity is one where the entrance to the cavity is narrower than its width at any other point.

Fig. 17



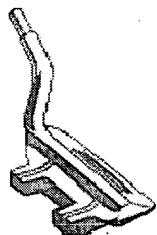
Transparent Material

- Clubheads made entirely of transparent material are permitted provided they do not have any sighting or alignment markings at different vertical depths (e.g., on both the top and bottom surfaces).
- Transparent material that is added to an otherwise non-plain head does not guarantee that the head will then become plain. For example, a wood head which has a vertical hole from the top surface through to the sole would be ruled non-conforming (see Design of Clubs, Section 4a(i)). Filling this

hole with a transparent material (*e.g.*, perspex or glass), would not alter this ruling.

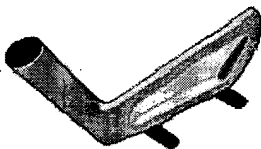
Appendages

- Any fin, knob, appendage or plate which is added to or which is protruding from the clubhead is disallowed if its main purpose is deemed to be for meeting dimensional specifications, to accommodate marks for aiming, for aligning the swing plane or the head position, or indeed if it is for any other purpose — see Figure 18.



(a) Chipper (iron club) with two appendages for the purpose of aiming (non-conforming)

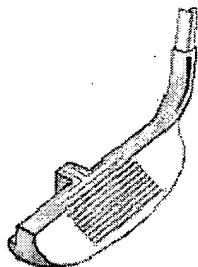
Fig. 18



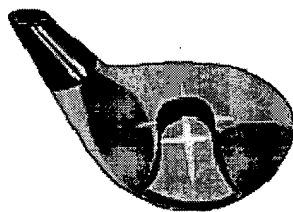
(b) Iron with two rods protruding backward from the sole (non-conforming)

- Appendages which project ahead of the face, or which project above the top edge of the face when the club is viewed directly in front of the face, are not permitted.
- Buttresses are not permitted behind the face of a wood or iron club, including chippers. However, support bars behind the face may be permitted — see Figure 19a.
- As a general point, aiming or alignment lines or marks may be painted or inscribed on any part of the clubhead, provided that that part has not been constructed or added primarily for the purpose of accommodating them — see Figure 19b.

Fig. 19



(a) Chipper (iron club) with buttress behind the center of the face (non-conforming).



(b) Wood head with cavity in back of head for the purpose of inscribing sighting lines (non-conforming).

(ii) Putters

The 'Plain in Shape' Rule is interpreted fairly liberally for putters and the exceptions for putters noted in Rule 4a, Appendix II are fairly extensive. Features which are permitted for aiming, sighting, alignment, or for any purpose include:

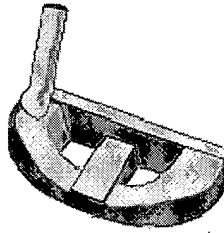
Holes Through the Head

This includes horizontal holes from heel to toe and vertical holes from the top of the head to the sole — see Figure 20.

Fig. 20



(a) Putter with hole extending from toe to heel (conforming).



(b) Putter with vertical holes from top to bottom (conforming).

Transparent Material

This includes material added to or incorporated into the head to facilitate multi-level head alignment and/or sighting features.

Alignment Lines

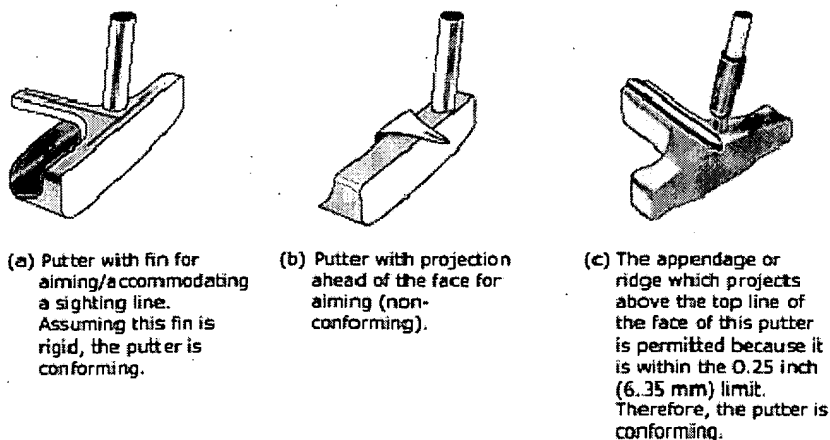
Lines or other markings painted or inscribed on any part of the head.

Appendages

Permanent appendages to the head, provided that:

- the feature is rigid throughout its length (i.e., cannot be bent or flexed by hand — see Figure 21a);
- the feature does not extend forward of the face — see Figure 21b;
- the feature does not extend above the top line of the face by more than 0.25 inches (6.35 mm) — see Figure 21c.

Fig. 21



Examples of features not permitted under the “Plain in Shape” Rules and guidelines for putters include the following:

- Appendages for the purpose of meeting dimensional specifications — see Figure 22;
- Features of any nature that extend above the top line of the face by more than 0.25 inches (6.35 mm);
- Holes through the face — see Figure 23;
- Facsimiles of golf balls or actual balls incorporated into the head — see Figure 24;
- Heads designed to resemble other objects (i.e., bottles, cars, vegetables, body parts, etc., — see Figure 25);
- Optical devices such as prisms, mirrors, reflective materials, etc. — see Figure 26;
- Electronic devices such as light beams and metronomes, or mechanical devices such as spirit levels, etc. — see Figure 27.

Fig. 22 - Fin/appendage for the purpose of meeting dimensional specifications. (See Sections 4a(iii) and 4b).

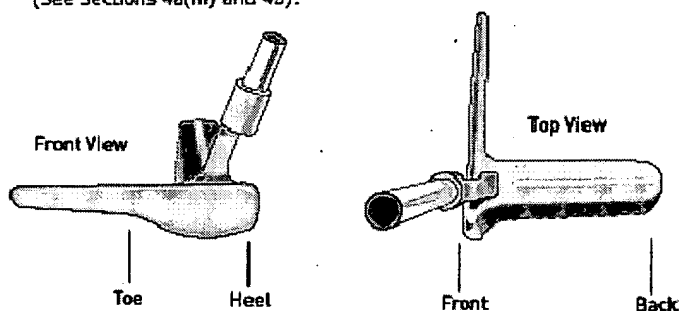


Fig. 23 - Putter with holes through the face (non-conforming).

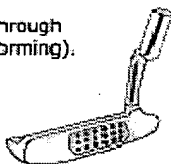


Fig. 24 - Facsimilies of golf balls.

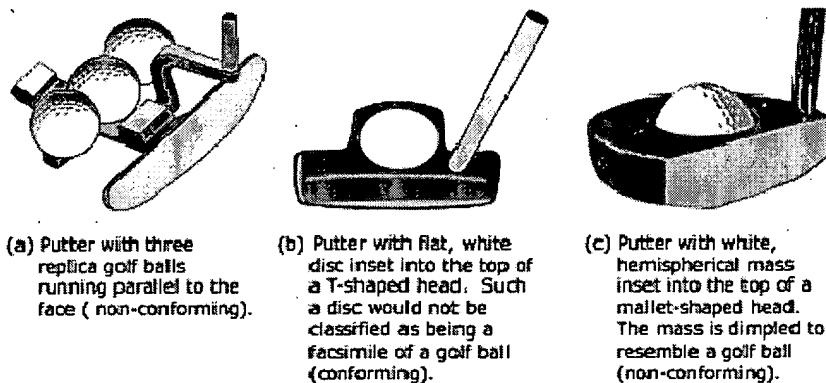


Fig. 25 - Facsimilies of other objects

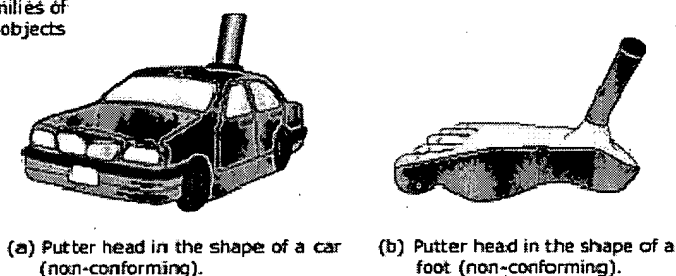


Fig. 26 - Putter head with sighting mirror attached to the back of the head at 45 degree angle to view target (non-conforming).

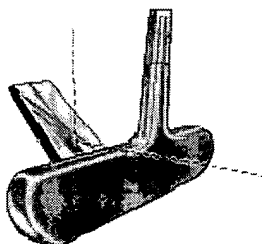
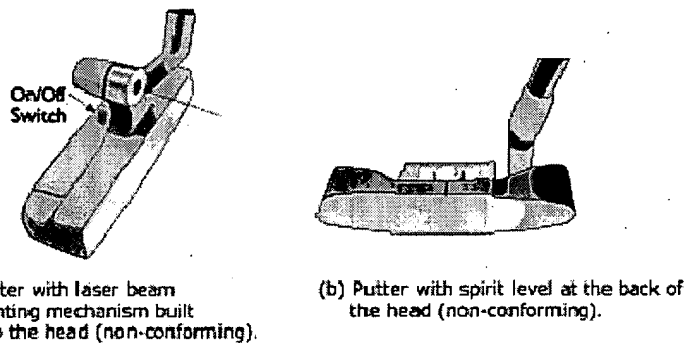


Fig. 27 - Electronic and mechanical devices



(iii) All Clubs

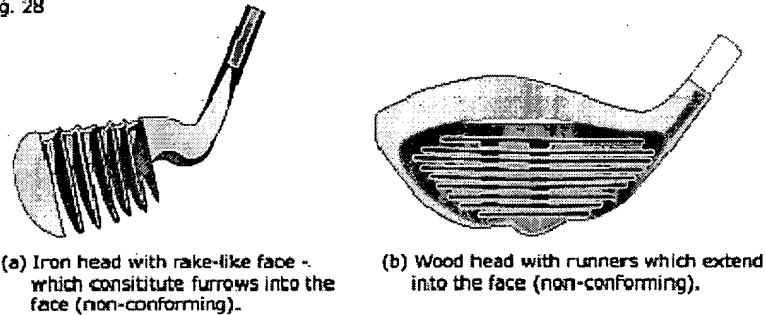
Runners and Furrows

Appendix II, 4a ends by stating that:

Any furrows in or runners on the sole must not extend into the face.

This Rule applies to all clubs. If the edge of the face of a club has any concavity (point of inflexion), then the sole would be deemed to have runners or furrows extending into the face (see Figure 28). This is determined by placing a straight edge along the leading edge of the face.

Fig. 28



If a runner has been chamfered back, away from the face, by at least 45 degrees, then it would not be considered to extend into the face (see Figure 29).

Fig. 29a - Putter with runners at the heel and toe:

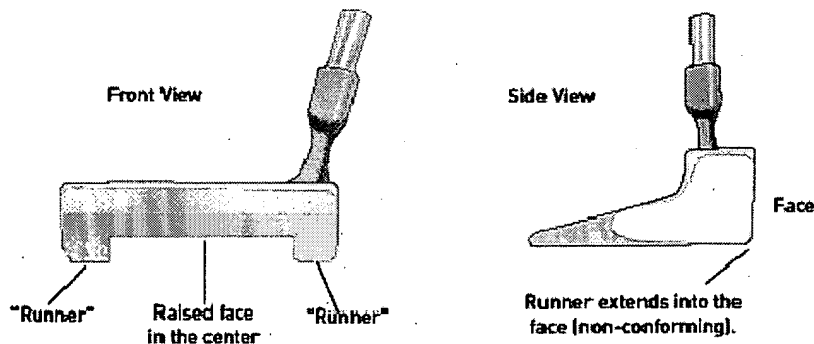
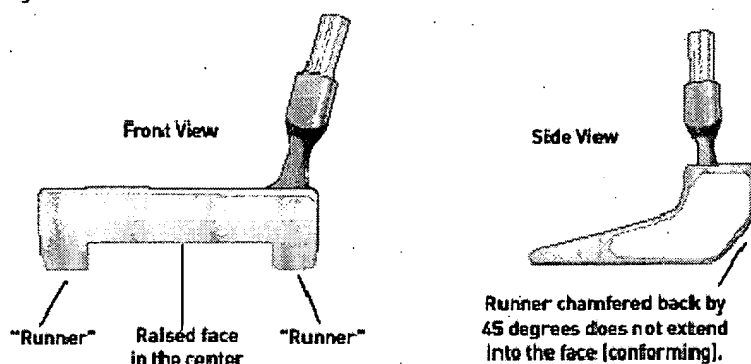


Fig. 29b - Putter with chamfered runners at the heel and toe



b. Dimensions and Size

In January, 2004, the USGA introduced new Rules in this area. These Rules are divided into two categories — one for woods and the other for irons and putters:

(i) Woods

When the club is in a 60 degree lie angle, the dimensions of the clubhead must be such that:

- the distance from the heel to the toe of the clubhead is greater than the distance from the face to the back;
- the distance from the heel to the toe of the clubhead is not greater than 5 inches (127 mm);
- the distance from the sole to the crown of the clubhead is not greater than 2.8 inches (71.12 mm).

Please refer to "The Rules of Golf" for illustrations of where these measurements should be made. When performing such measurements in the field, the best method is to use a pair of calipers. For the heel to toe measurement, a rigid, straight edge can be held upright against the extremity of the toe end.

In addition to the new dimensional limit for woodheads, a new volume limit was added:

The size of the clubhead must not exceed 28.06 cubic inches (460 cubic centimeters), plus a tolerance of 0.61 cubic inches (10 cubic centimeters).

This Rule was introduced due to the trend of increasing woodhead sizes. The Equipment Standards Committee determined that woodheads larger than those already permitted are not traditional and customary.

Many woodheads in the marketplace incorporate markings on the sole or other part of the head to indicate volume.

There is also a fairly easy method of measuring clubhead volume which is broadly based on Archimedes' Principle and the displacement of water. By submerging a clubhead in a large measuring container,

partially filled with water, the amount that the water rises indicates the head's volume.

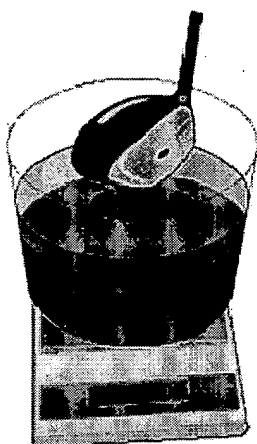
A more accurate method, but not that much more complicated, is to use a similar container of water placed on a digital weighing scale. With either method, the head is submerged to a point just above the crown (*i.e.*, the hosel is not included.)

Archimedes' Principle states that the buoyant force on a submerged object is equal to the weight of the fluid that is displaced by the object — and since water has a specific gravity of 1.0, this means that 1 cubic centimeter of water has a mass of 1 gram. Therefore, the container of water should be placed on the scale and the weight should be set to zero. When the head is submerged in the water, the weight displayed on the scales (in grams) is equivalent to the volume of the head (in cubic centimeters).

In situations where a club is marked with a "cc" value which is in excess of the Rule (*i.e.*, above 460 cubic centimeters), the Committee's policy is to rule that the club is non-conforming — regardless of the real volume measurement. This is to avoid confusion in the marketplace.

Fig. 30

Electronic scales (set to zero) with water-filled container and club head ready for submergence.

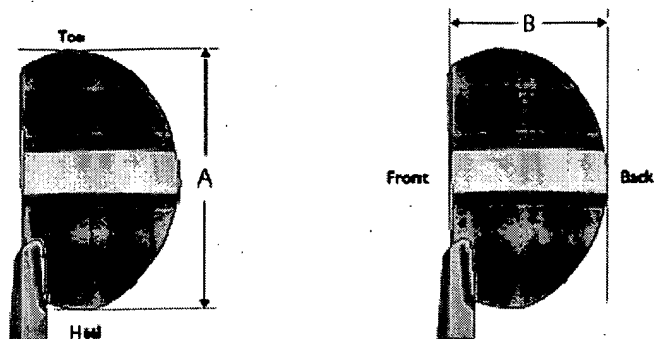


(ii) Irons and Putters

When the clubhead is in its normal position the dimensions of the head must be such that the distance from the heel to the toe is greater than the distance from the face to the back.

While the above Rule covers both irons and putters, it is more relevant to putters in practice. For traditionally shaped heads, these measurements should be made as shown in Figure 31 — at the outer extremities of the head.

Fig. 31



Traditionally shaped mallet headed putter. Dimension A must be greater than Dimension B.

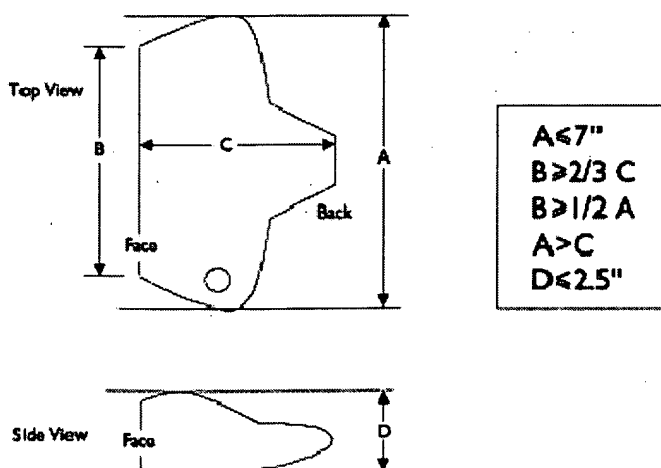
The Rules goes on to state that, for unusually shaped putters, the toe to heel dimension should be made as close as possible to the face of the club — and certainly no more than halfway back from the face.

However, since the introduction of this Rule, we have developed four new dimensional guidelines to more clearly define the permissible size and shape of a putter, making the application of the above provision rare.

These new guidelines can be listed as follows and are illustrated in Figure 32:

- (i) The distance from the heel to the toe of the putter head must not be greater than 7 inches (177.8 mm);
- (ii) The distance from the heel to the toe of the putter face must be no less than $\frac{2}{3}$ of the distance from the front to the back of the head;
- (iii) The distance from the heel to the toe of the putter face must be no less than $\frac{1}{2}$ the distance from the heel to the toe of the head;
- (iv) The distance from the sole to the top of the putter head, including any features, must not be greater than 2.5 inches (63.5 mm).

Fig. 32 - Putter Dimensions Illustration



It is important to note that appendages are not permitted if their sole purpose is to meet the dimensional specifications above.

c. Striking Faces

Appendix II, 4c states that:

The clubhead must only have one striking face, except that a putter may have two such faces if their characteristics are the same, and they are opposite each other.

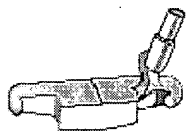
The exception for putters was introduced in order to accommodate traditional blade-type putters.

Determining whether a surface constitutes a second (or third) striking face is often a matter of opinion. However, in general, a surface should be considered an additional striking face if:

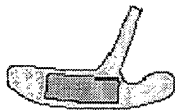
- the area is flat and it is clearly designed to be used for striking the ball, or
- it is opposite the intended face and consists of a flat surface of a different loft and/or material, or
- it is a flat surface on the toe and/or heel of a cylindrical, rectangular or square head design which could effectively be used to strike the ball, or
- it could otherwise effectively be used to strike the ball.

All three of the putters illustrated in Figure 33 would be ruled non-conforming.

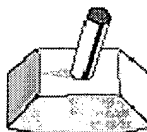
Fig. 33



(a) This putter has one small face at the front and a second much longer face at the back.



(b) This putter has a "balata" type inset in the front, but the back of the head is a smooth, flat metal surface.



(c) This putter has two identical surfaces at the front and back. However, it also has a third striking face at the toe, and possibly a fourth at the heel.

The addition of lead tape to the back face of a putter with two conforming striking faces, would not be contrary to the Rules.